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AT ALBUQUERQUE NM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

NOV - 3 1999

UNITED STATES OF AMERICA,

ROBERT M. MARCH  
CLERK

Plaintiff-Respondent,

v.

623  
No. CIV-99-0652 SC/RLP  
CR-91-395 SC

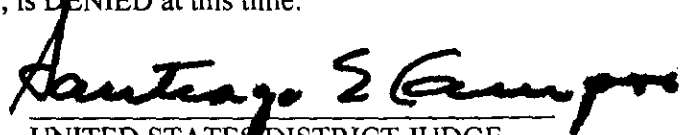
CALVIN DEAN PETERS,

Defendant-Movant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's motion for copies of transcripts at taxpayer expense (Doc. #29) filed September 16, 1999. The statute which allows free transcripts requires a showing that the transcript is needed for resolution of a non-frivolous action. 28 U.S.C. § 753(f). "[Defendant]'s principal error ... is his apparent belief that an order granting leave to proceed in forma pauperis, without the payment of the 'fees and costs' referenced in 28 U.S.C. § 1915(a), includes the right to have free copies of any documents in the record the indigent party desires. It does not; ...." *Guinn v. Hoecker*, No. 94-1257, 1994 WL 702684 (10th Cir. 1994) (upholding requirement that movant prove need for documents), *cert. denied*, 514 U.S. 1118 (1995); *and see Jones v. Ferguson*, No. 98-8029, 1998 WL 886786 (10th Cir. Dec. 21, 1998); *Schwarz v. Interpol, Office Of Information And Privacy*, No. 94-4111, 1995 WL 94664, at \*\*2 (10th Cir.), *cert. denied*, 515 U.S. 1146, *reh'g denied*, 515 U.S. 1180 (1995); *and cf. In re Grand Jury 95-1*, 118 F.3d 1433, 1437 (10th Cir. 1997) ("request must amount to more than a request for authorization to engage in a fishing expedition."). Because of the wholesale nature of Defendant's motion and the absence of a showing of particular need for the documents, the motion will be denied.

IT IS THEREFORE ORDERED that Defendant's motion for copies of transcripts at taxpayer expense (Doc. #29) filed September 16, 1999, is DENIED at this time.

  
UNITED STATES DISTRICT JUDGE

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